

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN

BEFORE THE EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS  
DESIGNERS AND LAND SURVEYORS

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST

CHARLES D. NOVAK,

FINAL DECISION AND ORDER

RESPONDENT

LS9909021APP

**Division of Enforcement Case No. 98 ARC 023**

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

*Charles D. Novak*

*14750 S. Robert Tr.*

*Rosemount, MN 55068*

*Examining Board of Architects, Landscape Architects,  
Professional Engineers, Designers and Land Surveyors  
PO Box 8935  
Madison, WI 53708-8935*

*Department of Regulation and Licensing  
Division of Enforcement  
PO Box 8935  
Madison, WI 53708-8935*

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Charles D. Novak (DOB 10/22/39) is duly licensed to practice architecture in the state of Wisconsin (license #3474). This license was first granted on April 21, 1972.
2. Mr. Novak's most recent address on file with the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors is 14750 S. Robert Tr., Rosemount, MN 55068.
3. On September 25, 1996, the Nevada State Board of Architecture, Interior Design and Residential Design imposed discipline against the license of Mr. Novak to practice architecture in Nevada. The Board action was based upon allegations that Mr. Novak affixed his seal and signature to plans, which were not prepared by him or under his direct supervision. A true and correct copy of the Nevada Board's Stipulation and Order is attached to this document as Exhibit A. Exhibit A is incorporated into this document by reference.
4. On April 15, 1997, the State of Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design revoked the license of Mr. Novak to practice architecture in Minnesota for one year. The Board found, among other things, that Mr. Novak knew or should have known that the signature of a structural engineer was forged or improperly placed on structural plans signed by Mr. Novak. A true and correct copy of the Minnesota Board's Stipulation and Order is attached to this document as Exhibit B. Exhibit B is incorporated into this document by reference.
5. On December 28, 1997, the Architectural Examining Board of the State of Iowa issued an order which

suspended the license of Mr. Novak to practice architecture until his Minnesota license was reinstated. The Iowa action was based upon the Minnesota Order referred to in ¶4, above. A true and correct copy of the Iowa Board's Stipulation and Order is attached to this document as Exhibit C. Exhibit C is incorporated into this document by reference.

6. On June 5, 1998, the Arizona State Board of Technical Registration revoked the license of Mr. Novak to practice architecture in Arizona. The Arizona action was based upon the Minnesota Order referred to in ¶4, above. A true and correct copy of the Arizona Board's Stipulation and Order is attached to this document as Exhibit D. Exhibit D is incorporated into this document by reference.

7. In resolution of this matter, Mr. Novak consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors has jurisdiction to act in this matter and is authorized to enter into the attached Stipulation and Order, pursuant to sec. 443.11(1), Stats.
2. The conduct described in paragraph 3-6, above, constitutes a violation of Wisconsin Administrative Code § A-E 8.03(3).

#### **ORDER**

A. NOW, THEREFORE, IT IS HEREBY ORDERED that the attached Stipulation is accepted.

B. IT IS FURTHER ORDERED that the Wisconsin license of Charles D. Novak is LIMITED as follows:

1. Prior to engaging in the practice of architecture in Wisconsin, Respondent shall submit and obtain approval by the Section of a plan of supervision involving Respondent's Wisconsin practice. Any plan of supervision shall include periodic random in-person assessments and evaluations of respondent's practice as well as a written record of all supervisory activities undertaken for the Respondent. The Section may in the exercise of its discretion require respondent to appear personally before the Section to answer questions related to his intended practice in Wisconsin. The refusal to approve a plan of supervision under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of secs. 227.01(3) and 227.42, Stats. Section approval of a plan of supervision shall not be unreasonably denied.

2. Respondent shall arrange for reports from his supervisor evaluating his work performance on a schedule as determined by the Section. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement. The supervisor shall report **immediately** to the Department Monitor any violation or suspected violation of Wisconsin law.

3. Any plan of supervision, petition or report submitted under this order shall be submitted to:

Department Monitor  
Division of Enforcement  
PO Box 8935  
Madison, WI 53708-8935  
FAX (608) 266-2264  
TEL. (608) 267-7139

4. Respondent shall immediately surrender all indicia of Wisconsin registration to the Department Monitor. The Department shall reissue registration credentials to Respondent marked "limited."

5. Within ninety (90) days from date of this Order, the Respondent shall pay to the Department of Regulation and Licensing partial COSTS of the investigation and prosecution of this action in the sum of TWO HUNDRED AND FIFTY dollars [\$250.00]. Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and submitted to the Department Monitor.

6. At any time following three [3] years from the effective date of this Order, Respondent may petition

for removal of any or all of the limitations imposed by this Order. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of secs. 227.01(3) and 227.42, Stats.

**C. Violation of any of the terms of this Order or the conditions imposed as a result of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license; the Section in its discretion may in the alternative impose additional conditions and limitations and/or other additional discipline for a violation of any of the terms of this Order.**

D. This Order shall become effective on the date of its signing.

#### ARCHITECTS SECTION

EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS DESIGNERS AND LAND SURVEYORS

By:

Roger S. Lansky

A Member of the Board

November 10, 1999

Date